

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the nomination of Executive Calendar No. 362, Homer L. Wilkes, of Mississippi, to be Under Secretary of Agriculture for Natural Resources and Environment.

Charles E. Schumer, Richard Blumenthal, Catherine Cortez Masto, Richard J. Durbin, Sheldon Whitehouse, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen.

Mr. SCHUMER. Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, February 7, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPEN APP MARKET'S ACT

Mrs. BLACKBURN. Madam President, here in the United States, the mobile app market represents a reliable multibillion-dollar payday for Big Tech. In 2020, Americans downloaded 13.4 billion apps onto their mobile devices.

Needless to say, mobile apps are a key component of our digital economy, so it may be surprising to learn that this market is largely unregulated, unless you count the influence of the two mega corporations that created it.

Apple and Google have abused their power and used their status as gatekeepers to stifle innovation and penalize developers who want to work alongside them rather than ceding control over their products. This is bad for the industry. It is bad for consumers. It is bad for the country.

These gatekeeping tendencies aren't just a bump in the road for developers; they are a roadblock that completely closes off avenues of competition. Apple, for example, forces developers to use their exorbitantly expensive App Store payment system, which funnels profits away from the creators, and it raises prices for consumers. It is a take-it-or-leave-it arrangement. Of course, when developers do take the deal, they leave their relationship with

their customers behind because the terms prohibit them from dealing directly with the people who use their products. They also have to accept that Apple and Google will not only prioritize native applications, but they will take their competitors' confidential business information and use it against them.

Last week, the Senate Judiciary Committee passed my Open App Markets Act, which is a bill we have worked some very long hours on. Finally, we are addressing the stranglehold Big Tech has on the digital app market. I really do thank Senator BLUMENTHAL and his staff, as well as our cosponsors, Senators KLOBUCHAR, RUBIO, LUMMIS, BOOKER, GRAHAM, KENNEDY, HIRONO, HAWLEY, and Chairman DURBIN, for putting in so much time and effort to create this bipartisan piece of legislation.

This bill will reset the rules of the road to protect competition and consumers by allowing consumers to access third-party apps and app stores, by prohibiting app store owners from locking developers into in-app payment arrangements, by ensuring that app developers are allowed to offer competitive pricing, and by preventing app stores from misusing confidential business information or app store rankings to disadvantage developers. If app store gatekeepers violate these rules of the road, the bill allows for developer lawsuits. It also includes safeguards to allow app stores to protect the privacy, security, and safety of consumers, as well as their own intellectual property rights.

It is bipartisan, and it is a good, solid, strong first step. But, remember, our tradition of maintaining competitive marketplaces isn't the only thing at stake here.

This weekend, the opening ceremonies of the Olympic Games in Beijing drew in 16 million viewers. That is down from the last Winter Games in 2018, so hopefully, this means that the various campaigns exposing the crimes and manipulation of the Chinese Communist Party are making a difference.

But, still, those 16 million people and their families are taking in Chinese propaganda. The Games' corporate sponsors weren't worried about that; they were happy to take advantage of all those eyeballs. And we know NBC hopes to surpass the nearly \$2 billion in revenue they pulled in during the Tokyo Games.

Protecting that competitiveness is important, but I would argue that protecting the human rights of people those sponsors and broadcasters are happy to sweep under the rug is even more important. And right at this very moment, Big Tech is facilitating crimes against humanity in China.

Beijing is notorious for censoring speech critical of the communist government, but part of their grand strategy to silence dissent involves strong-arming corporations seeking access to the very lucrative Chinese market. It

is not enough to offer an exciting product; you have to play nice with the CCP or else you are out. You can't be in their market. That means staying quiet about genocide in Xinjiang or violent repression in Hong Kong and doing everything in your power to make sure your customers stay silent too.

The Open App Markets Act has received an outpouring of support from human rights activists who see firsthand how corporate gatekeeping actively endangers the lives of dissidents, activists, Uighur Muslims, Mongols, Tibetans, Hong Kong freedom fighters, and other innocent people the CCP has chosen to brutalize. We received a letter of support for the Open App Markets Act signed by many of these individuals that I would like to share. They wrote, in part:

China suppresses nearly all dissent using its notorious "Great Firewall" internet filtering system and through the cooperation of domestic and foreign companies that are willing to block and remove accounts, content, and applications at the unchallenged request of Chinese authorities.

Few American companies are as subservient to the Chinese government as Apple. Apple willingly censors dissenting voices and independent media for all in China and Hong Kong using its control over the App Store.

We received another letter from the human rights organization GreatFire that details specific examples of Apple doing the bidding of the Chinese Communist Party. They wrote in part:

GreatFire, an organization dedicated to fighting internet censorship, started monitoring Apple's censorship in November 2013, when Apple decided to remove our "Free Weibo" application from the Chinese App Store. Apple did not even wait for the intervention of any Chinese judicial authority to determine if our app had actually broken any Chinese law. It collaborated with the Chinese authorities and dealt with our app the same way it has continued to deal with many more apps: by enforcing arbitrary and politically motivated censorship to ensure its financial interest.

I ask unanimous consent to have these two letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 31, 2022.

Senator DICK DURBIN,
Chairman, Committee on the Judiciary,
Washington, DC.

Senator CHUCK GRASSLEY,
Ranking Member, Committee on the Judiciary,
Washington, DC.

DEAR CHAIR DURBIN, RANKING MEMBER GRASSLEY, AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE: We write as Chinese human rights activists, pro-democracy movements, national security experts, and members of persecuted religious communities to share our deep concerns with Apple's use of its monopolistic dominance and its collusion with the Chinese government to stifle freedom of expression in China. As the Committee considers legislation to rein in the abuses of tech firms, we encourage it to help dissenting voices and efforts to offer privacy and security tools in China through protecting the right to sideload, as included in the Open App Markets Act.

The Chinese Communist Party maintains its grip on power and its regional expansionism through operating the most sophisticated censorship and surveillance apparatus in history. China suppresses nearly all dissent using its notorious 'Great Firewall' internet filtering system and through the co-operation of domestic and foreign companies that are willing to block and remove accounts, content, and applications at the unchallenged request of Chinese authorities.

Few American companies are as subservient to the Chinese government as Apple. Apple willingly censors dissenting voices and independent media for all in China and Hong Kong using its control over App Store. As the New York Times, human rights organizations, and members of this Committee have thoroughly documented, Apple has blocked thousands of applications for iOS users in China and Hong Kong at the request of Chinese censors. Apple's decade-long track record cooperation with Chinese censorship is sweeping and stunning, including through its blocking of:

HKmap.live, a coordination tool used by protestors bravely standing up to China's attempts to destroy Hong Kong's independence and democracy;

Bible and Quranic apps, including the Olive Tree Bible study guide;

Radio Free Asia and Voice of America, Congressionally-funded independent media organizations that provides news in Chinese, Uyghur, and Tibetan languages; and,

Anti-censorship services, including apps funded by Congress, designed to bypass the Great Firewall to provide unfiltered and secure access to information, social media, and news.

While Apple claims to be a defender of human rights in the West, Apple has deliberately placed Chinese citizen's lives in the hands of the Chinese government for profit, knowing the grave consequences. As the Congressional-Executive Commission on China and others have warned, Apple hosts the private data of its Chinese users in data centers controlled by the Chinese government without the safeguards that would prevent spying, including weakening its access controls and encryption. As a result, Chinese citizens are unable to access independent news, practice their faith, or express themselves freely without real fear of the brutal repression of the state.

While our organizations have decades of expertise fight back against China's repression, Apple's complete dominance over iOS blocks us from offering tools to bypass censorship, prevent spying, and promote democracy. Our pleas and campaigns for Apple to do the right thing have been ignored by Apple's leadership. If we were allowed to provide apps outside of the censored App Store, also known as sideloading, we would be able finally offer Chinese communities with tools to defeat the Great Firewall, such as Ultrasurf, Psiphon, and FreeGate. The Open App Markets Act's protections for sideloading would help us open up the world to hundreds of millions more Chinese people living under repression aided by Apple.

As the Senate Judiciary Committee considers the Open App Markets Act, we encourage it stand firm on behalf of freedom of expression and human rights in China through protecting our right to offer a lifeline to dissidents, religious communities, and all those banned by the Chinese Communist Party.

Sincerely,

Organizations: Uyghur Human Rights Project; China Change; Citizen Power Initiatives for China; The Hong Kong Watch; Regional Tibetan Association of Massachusetts; Tibetan Association of Indiana; Atlanta Tibetan Association; Boston Tibetan Association; Tibetan Association of Vermont; Ti-

betan Association of Idaho; Tibetan Association of Ithaca; Tibetan Community of New York and New Jersey; Sound of Hope Radio Network; Dialogue China; Democratic Party of China.

Individuals: Jianli Yang, Founder and President of Citizen Power Initiatives for China & Tiananmen Survivor and former political prisoner of China; Cai Xia, Editor-in-Chief of Yibao, Former Professor of the CCP Central Party School; Nanyang Li, Visiting Fellow at Hoovers Institutes, leading Chinese human rights activist, daughter of Li Rui, a former secretary of Mao Zedong; Calvin Yu, Chinese civil society organizer, philanthropist; Deyu Wang, Persecuted Chinese Christian; Daniel Gong, Human rights activist; Lydia Li, Independent scholar and human rights activist; Liang Wang, Chinese artist and human rights activist; Ming Wu, Human rights activist, Member of the Chinese New Citizens' Movement; Davis Zeng, Analyst, CitiBank, human rights activist; Shan Jiang, Member of the Chinese New Citizens' Movement, human rights activist; Shengchun Luo, Wife of the detained Chinese New Citizens' Movement leader Ding Jiaxi; Pinghui Wu, Chinese human rights activist.

Ni Wang, Chinese human rights activist; Wayne Hong, Concert Manager, Chinese human rights activist; Qi Xue, Independent scholar, Chinese human rights activist; Jeanette Tong, Chinese human rights activist; Hai Lin, Medical scientist, Chinese human rights activist; Anna Chen, Victim of Chinese religious persecution, Chinese human rights activist; Amy Ma, Chinese Muslim activist; Shaoping Wu, Human rights lawyer; Matt Trueman, Activist; Amir George, Pastor; Mike Mo (Hong Kong), Former District Legislator of Hong Kong, Hong Kong student leader; Joey Siu (Hong Kong), Director, the Hong Kong Watch, Hong Kong student leader; Yu Hsin (Hong Kong), Hong Kong journalist.

Harry Fu, Chinese human rights activist; Rui Liu, Chinese human rights activist; Wenwen Song, Chinese human rights activist; Senfen Wei, Chinese human rights activist; Liping Huang, Director of Citizen Power Initiatives for China; Hong Zhou, Chinese human rights activist; Jia He, Chinese human rights activist; Rory O'Connor, Founder of Athenai Institute; John Metz, Director of Athenai Institute; Jing Zhang, Chinese human rights activist; Sufi Laghari, Executive Director at Sindhi Foundation; Lianchao Han, Expert on Chinese Internet censorship and surveillance.

GREATFIRE,
January 28, 2022.

Subject: Censorship by Apple.

DEAR CHAIR DURBIN, RANKING MEMBER GRASSLEY, AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE: As the Committee considers legislation to address the power of Big Tech, we write to share our research and longstanding concerns regarding Apple's censorship on behalf of the People's Republic of China and other repressive regimes.

GreatFire, an organization dedicated to fighting internet censorship, started monitoring Apple's censorship in November 2013, when Apple decided to remove our "FreeWeibo" application from the Chinese App Store. Apple did not even wait for the intervention of any Chinese judicial authority to determine if our app had actually broken any Chinese law. It collaborated with the Chinese authorities and dealt with our app the same way it has continued to deal with many more apps: by enforcing arbitrary and politically motivated censorship to ensure its financial interests.

In 2019, we launched AppleCensorship.com, a website monitoring Apple's removal of

apps on its App Stores around the world. Over the last three years, we have uncovered numerous cases of app removals, particularly in China, where Apple collaborates with the Chinese authorities by enforcing arbitrary and politically motivated censorship to protect its financial interests.

Our research has produced the following key findings:

Apple proactively removes apps that allow Chinese citizens to circumvent censorship, all without the need for the authorities to intervene. None of the top 100 "virtual private network services" (VPNs) in the United States App Store are available in China.

In October 2019, during the Hong Kong protests violently suppressed by the police, Apple removed HKmap.live, an app used by protesters to report aggressive police movements and the use of tear gas.

AppleCensorship.com counts 191 "News" apps currently unavailable in China's App Store. The New York Times app was removed in January 2017. Quartz was removed during the Hong Kong protests in 2019.

More than 26% of all apps tested were found to be unavailable in China, when the average for other countries is around 11% and when less than 5% of all apps that we tested in the U.S. App Store were unavailable.

A study that we conducted with Tibetan human rights groups and released in June 2019 revealed that at least 29 Tibetan-themed apps dealing with news, religious study, tourism and even games are being censored by Apple.

In September 2021, we detected the removal of Bible and Quran apps in China.

In June 2020, Apple removed two podcast apps, Pocket Casts and Castro, after the developers refused to censor content on their platforms.

Two RSS reader apps, Reeder and Fiery Feeds, were removed in September 2020 for content deemed "illegal in China".

Apple's censorship is not limited to China and affects all countries where Apple operates:

In November 2021, Apple's removed the "Smart Voting" app developed by the team associated with Russian political opposition leader Alexei Navalny. The app, which informed its users about candidates for the Parliamentary elections and their political affiliation, was removed just as polls opened. Apple went further by contacting private messaging app Telegram to request the removal of content (i.e. a chat bot) related to Navalny's campaign. Telegram published a statement condemning the move but stating it had to comply with Apple in order to avoid being removed from the App Store.

In June 2021, our research on LGBTQ+ related apps revealed that, out of approximately 150 LGBTQ+ apps identified, 61 apps were partially unavailable. China came second in terms of unavailability, with 27 LGBTQ+ apps unavailable in the country, just behind Saudi Arabia (28 apps unavailable) and before United Arab Emirates (25 apps unavailable). In total, 1377 instances of LGBTQ+ app's unavailability were found in 152 countries (only Australia's, Canada's and US' App Store contained all the tested apps).

In addition to targeted removal, that is to say removals of apps in the App Store of the requesting country, which result from alleged "legal violations", Apple also responds to governments' requests made on the basis of alleged violations of Apple's own "Platform Policy". Such takedown requests, mostly originating from authoritarian regimes like China and Russia, led to approximately 30,000 removals in 175 countries between January 2019 and December 2020.

The list of compromises by Apple over the last five years is not limited to censorship on

the App Store. For example, Apple's own podcasting app remains available in China, as Apple proactively removes "sensitive" podcasts. Although there are too many compromises that threaten human rights to be fully listed here, in 2021 only, Apple:

facilitated access by the Chinese authorities to iCloud data for Chinese users;

decided not to release its new "Private Relay" feature in China and other countries; and

censored Chinese consumers by preventing them from engraving "sensitive" content on their Apple products (iPads or Airtags).

Apple discloses almost no information on app removals, hiding the full scope of compliance with Chinese censorship. In some cases, apps' developers or publishers were not aware of their app's unavailability until we contacted them. In October, 2017, Senators Cruz and Leahy wrote to Apple asking questions about censorship in its China App Store. In Apple's response, the company admitted to having removed 674 VPNs from the China App Store at the request of the Chinese government. These VPNs would have allowed Chinese citizens to skirt censorship restrictions.

Apple was widely condemned after this revelation—yet five years later Apple has only increased its censorship efforts in China and has continued to proactively work to restrict freedom of expression for its Chinese customers.

Apple has even hosted apps on its App Store run by a China Paramilitary Group (the Xinjiang Production and Construction Corps) accused of participating in forced labor of Uyghurs and under U.S. Magnitsky sanctions.

Apple's so-called Transparency Reports do not reveal which apps have been censored, and remain questionably vague on the reasons, legal or not, behind this censorship.

The resulting opacity has become Apple's true trademark: from how it curates content on the App Store; to how it implements its arbitrary "App Store Guidelines"; to what data it communicates to governments; to the deals the company makes with even the most repressive regimes in the world. Apple conceals almost everything about its operations.

Apple's record-high financial results are the result of a strategy that has relied significantly on Apple's alliance with the Chinese authoritarian government. This alliance comes with a cost. In order to do business in China, Apple has abandoned its values, ethical standards, and principles. Apple has actively worked to suppress the rights and freedoms of their customers, even when the company was not pressured to do so by Beijing. We believe that the time is overdue for Apple to put a halt to such unethical and immoral behavior.

We remain at your disposal should you have any additional questions.

With warmest regards,

BENJAMIN ISMAIL,
Project Director,
AppleCensorship-
ip.com.

CHARLIE SMITH,
Co-Founder,
GreatFire.org.

Mrs. BLACKBURN. It makes no sense to make a name for yourself creating secure devices for Western users but to then turn around and go out of your way to make the devices in the hands of the world's most vulnerable people less secure.

The time has come for us as a country to decide what matters more: preserving this toxic entanglement with

China or preserving life and liberty and the democratic ideals that make us so fortunate to begin with.

I ask my colleagues to consider joining me and Senator BLUMENTHAL in support of the Open App Markets Act to protect competition, to protect consumers, and to protect those basic human rights that the world's most powerful corporations have decided should take a backseat to access and profit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

60TH ANNIVERSARY OF THE EMBARGO AGAINST CUBA

Mr. LEAHY. Madam President, today, February 7th, 2022, marks the 60th anniversary of the day the U.S. economic embargo against Cuba first went into effect. Just think of that—60 years. It is three generations, 12 Presidents, 60 sessions of Congress, six transformational decades ago, and dating all the way back to the middle of the Cold War.

The goal of the embargo, which has been expanded multiple times, was unmistakable. It was to depose the Cuban Government by imposing a vast web of punitive sanctions designed to crush the Cuban economy and incite a popular uprising. In fact, to be precise, in a declassified April 1960 State Department memo confidently entitled "The Decline and Fall of Castro," they said the purpose was "denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation, and the overthrow of [the] government." What a remarkable, humanitarian attitude on the part of people who had absolutely no idea of what history is or what might happen.

Sixty years later, hunger and desperation are pervasive in Cuba, but the Cuban Government remains under the firm grip of the Communist Party. No opposition party has been allowed to function or to challenge it. Free and fair elections are as elusive as they were 60 years ago. Political dissent is not tolerated.

But the U.S. embargo, which we proudly and consistently have kept, is opposed by every other nation in this hemisphere. In fact, it is opposed by every other nation in the world except Israel. In other words, after 60 years, we have convinced only one other government—just one—to join us and not a single government in our own hemisphere. This failed attempt to isolate Cuba succeeded only in isolating ourselves.

Those responsible for this administration's policy toward Cuba have apparently decided that, despite Candidate Biden's pledge to the contrary; despite the failure of the embargo to achieve any of its objectives, which the CIA acknowledged in a declassified report back in 1982; despite a worsening human rights situation; and despite contributing to the misery of the Cuban people, whom the White House insists it wants to help, there is no reason to change course.

Today, hard hit by COVID and the administration's cutoff of remittances and restrictions on travel by Americans to Cuba, life for most Cubans is an increasingly desperate struggle. Popular protests against the government's mishandling of the pandemic, mishandling of the economy, and autocratic rule have been met with a fierce crackdown, summary trials, and lengthy prison sentences, including for young people.

I have spoken many times about the stark disconnect between the administration's policy toward Cuba and the reality in Cuba, so I am not going to repeat what I said before. I am as outraged by the crackdown on protesters in Cuba as anyone. Unlike many others, I have actually said that to Cuban authorities. No one condones acts of vandalism or violence, but provocations and abuse of peaceful protesters are inexcusable.

I also know that trying to bludgeon the Cuban authorities into submission does not work. What is the proof of that? We tried it for 60 years, and it hasn't worked. It has only made things worse. It emboldens the hardliners in the government who can then blame the United States for their own failed policies.

They are determined to hold on to power, and if they fail at something, they just blame it on the United States.

But it hurts the Cuban people, impeding their ability to obtain medical supplies as basic as syringes and masks to fight COVID and preventing small businesses from accessing U.S. products.

I visited a lot of those small businesses. They actually want to deal with America, and we are cutting them off. It flies in the face of our belief in the power of diplomacy through engagement with countries whose governments we disagree with, especially a country 90 miles away whose people we share so much in common with.

Sooner or later—and I hope it is sooner—the administration needs to face the fact that continuing Donald Trump's policy of punitive sanctions and vitriol has backfired. The longer they delay that day of reckoning, the worse it will be. And we can do better than this. We can defend human rights, as we should. We can stand up for the right of people to choose their leaders in free and fair elections, as we should. We could also do what we do with virtually every other government in the world with which we disagree: find areas of common purpose for the benefit of the people in both countries.

So on this 60th anniversary of a Cold War policy of sanctions and isolation that has failed in every conceivable way, let's dedicate ourselves to a new way forward that our allies and partners in this hemisphere will support, that the American people support, that supports the Cuban people, and most importantly, that we can show the rest of the world it is worthy of the United States, worthy of us. What we are

doing right now is not. We can do better. We must do better.

I think of so many young people I have talked to and met in Cuba who want a different world and can't understand why the United States slams the door on them. We can do better. We have to do better. I pray we will do better.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination Ebony M. Scott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

VOTE ON SCOTT NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Scott nomination?

Mr. JOHNSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from New Mexico (Mr. LUJÁN), and the Senator from Georgia (Mr. OSSOFF) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from South Dakota (Mr. ROUNDS), and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 55, nays 38, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—55

Baldwin	Hickenlooper	Romney
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Blunt	Kelly	Schatz
Booker	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Sinema
Capito	Manchin	Smith
Cardin	Markey	Stabenow
Carper	McConnell	Tester
Casey	Menendez	Tillis
Collins	Merkley	Van Hollen
Coons	Murkowski	Warner
Cortez Masto	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Graham	Portman	
Hassan	Reed	

NAYS—38

Blackburn	Grassley	Paul
Boozman	Hagerty	Risch
Braun	Hawley	Rubio
Burr	Hoeven	Sasse
Cassidy	Hyde-Smith	Scott (FL)
Cornyn	Inhofe	Scott (SC)
Cotton	Johnson	Shelby
Cramer	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tuberville
Daines	Lummis	Wicker
Ernst	Marshall	Young
Fischer	Moran	

NOT VOTING—7

Barrasso	Luján	Toomey
Feinstein	Ossoff	
Heinrich	Rounds	

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KING). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Donald Walker Tunnage, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

VOTE ON TUNNAGE NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Tunnage nomination?

Mr. WYDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senators from New Mexico (Mr. HEINRICH) and (Mr. LUJÁN), and the Senator from Georgia (Mr. OSSOFF) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from South Dakota (Mr. ROUNDS), and the Senator from Pennsylvania (Mr. TOOMEY).

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—54

Baldwin	Duckworth	Menendez
Bennet	Durbin	Merkley
Blumenthal	Gillibrand	Murkowski
Blunt	Graham	Murphy
Booker	Hassan	Murray
Brown	Hickenlooper	Padilla
Cantwell	Hirono	Peters
Capito	Kaine	Portman
Cardin	Kelly	Reed
Carper	King	Romney
Casey	Klobuchar	Rosen
Collins	Leahy	Sanders
Coons	Manchin	Schatz
Cortez Masto	Markey	Schumer

Shaheen	Tester	Warnock
Sinema	Tillis	Warren
Smith	Van Hollen	Whitehouse
Stabenow	Warner	Wyden

NAYS—39

Blackburn	Grassley	Moran
Boozman	Hagerty	Paul
Braun	Hawley	Risch
Burr	Hoeven	Rubio
Cassidy	Hyde-Smith	Sasse
Cornyn	Inhofe	Scott (FL)
Cotton	Johnson	Scott (SC)
Cramer	Kennedy	Shelby
Crapo	Lankford	Sullivan
Cruz	Lee	Thune
Daines	Lummis	Tuberville
Ernst	Marshall	Wicker
Fischer	McConnell	Young

NOT VOTING—7

Barrasso	Luján	Toomey
Feinstein	Ossoff	
Heinrich	Rounds	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Minnesota.

EXECUTIVE CALENDAR

Ms. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations en bloc: Calendar Nos. 721 and 722; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Sharon Bradford Franklin, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for the remainder of the term expiring January 29, 2024; and Beth Ann Williams, of New Jersey, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2026?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Ms. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the following nomination: Calendar No. 648, Alice P. Albright, of the District of Columbia, to be Chief Executive Officer, Millennium Challenge Corporation; that the Senate vote on the nomination without any intervening action or debate; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.